



08-05-08

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PTO/SB/64 (08-08)

Approved for use through 08/31/2008. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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| <b>PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)</b>   |                           | Docket Number (Optional) |
|--|---------------------------|--------------------------|
| First named inventor: Fan He   |                           |                          |
| Application No.: 10/579,597  | Art Unit: 2877            |                          |
| Filed: 05/17/2006  | Examiner: Fannie L. Evans |                          |
| Title: COMPACT SPECTRAL READERS FOR PRECISE COLOR DETERMINATION  |                           |                          |
| <p>Attention: Office of Petitions<br/>Mail Stop Petition<br/>Commissioner for Patents<br/>P.O. Box 1450<br/>Alexandria, VA 22313-1450<br/>FAX (571) 273-8300</p>   |                           |                          |
| <p>NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.</p>   |                           |                          |
| <p>The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.</p> |                           |                          |
| <p><b>APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION</b></p>   |                           |                          |
| <p>NOTE: A grantable petition requires the following items:</p>  |                           |                          |
| <p>(1) Petition fee;<br/>(2) Reply and/or issue fee;<br/>(3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and<br/>(4) Statement that the entire delay was unintentional.</p>  |                           |                          |
| <p><b>1. Petition fee</b></p>  |                           |                          |
| <p><input checked="" type="checkbox"/> Small entity-fee \$ <u>770</u> (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.</p>   |                           |                          |
| <p><input type="checkbox"/> Other than small entity – fee \$ _____ (37 CFR 1.17(m))</p>  |                           |                          |
| <p><b>2. Reply and/or fee</b></p>  |                           |                          |
| <p>A. The reply and/or fee to the above-noted Office action in the form of _____ (identify type of reply):</p>   |                           |                          |
| <p><input type="checkbox"/> has been filed previously on _____.<br/><input checked="" type="checkbox"/> is enclosed herewith.</p>  |                           |                          |
| <p>B. The issue fee and publication fee (if applicable) of \$ <u>01 EC-2453</u> <span style="float: right;">08/30/2008 KSEBREH1 02026012 10579597 770.00</span></p>  |                           |                          |
| <p><input checked="" type="checkbox"/> has been paid previously on <u>02/21/2008</u>.<br/><input type="checkbox"/> is enclosed herewith.</p>   |                           |                          |

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**3. Terminal disclaimer with disclaimer fee**

Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

**4. STATEMENT:** The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

**WARNING:**

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

Signature

Date

Zhihao Lin

Typed or printed name

Registration Number, if applicable

14 Kehoe Court

Address

Telephone Number

Princeton Junction, NJ 08550

Address

Enclosures:  Fee Payment Reply Terminal Disclaimer Form Additional sheets containing statements establishing unintentional delay Other: \_\_\_\_\_

**CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]**

I hereby certify that this correspondence is being:

Deposited with the United States Postal Service on the date shown below with sufficient postage as ~~first class~~ mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

Date

Signature

Zhihao Lin

Typed or printed name of person signing certificate



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/579,597 Confirmation No. 3549  
Applicant(s) : Fan He *et al.*  
Filed : May 17, 2006  
Art Unit : 2877  
Examiner : Fannie L. Evans  
Docket No. : OCT001

**STATEMENT ESTABLISHING UNINTENTIONAL DELAY**

Attention: Office of Petitions  
Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Commissioner:

In response to a Notice of Abandonment mailed on 18 March 2008 and a letter from the Office mailed on 17 July 2008, Applicants respectfully submit that abandonment of the above-referenced application was **unintentional** and request revival of the application under 37 CFR 1.137(b).

As shown in the petitions Applicants filed on 19 June 2008 and 02 April 2008, Applicants mailed a check for the issue and publication fees (a total amount of \$1020) along with a Fee(s) Transmittal (PTOL-85) by the **Priority Mail Service** of the United States Postal Service (USPS) on **February 14, 2008**. It is unfortunate and inadvertent that the issue and publication fees were not received by the Office until **February 21, 2008**. Since receiving the Notice of Abandonment mailed on 18 March 2008, Applicants have filed two petitions to withdraw the

holding of abandonment (as indicated above). The petitions were regrettably dismissed by the Office (as indicated by the latest letter from the Office mailed on 17 July 2008).

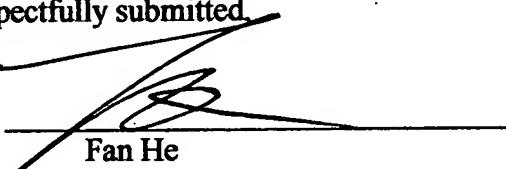
Applicants further note that the payment for the issue and publication fees (\$1020) has been deducted from Applicants' bank account.

In view of the above, Applicants respectfully submit that the entire delay in filing the required reply (i.e., the issue and publication fees) from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was **unintentional**. Applicants respectfully request timely revival of the present application.

Respectfully submitted,

Dated: 08-02-2008

By:

  
Fan He

PATENT

Dated: 8/2/2008

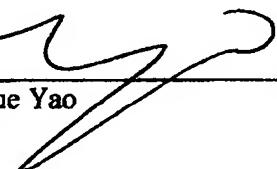
By:



Zhihao Lin

Dated: 8/11/2008

By:



Yue Yao

Octadem Technologies  
14 Kehoe Court  
Princeton Junction, NJ 08550  
Telephone: (609)716-8411

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CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

Deposited with the United States Postal Service on the date shown below with sufficient postage as EXPRESS MAIL in an envelop addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

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Aug 04, 2008

Date



Signature

Zhihao Lin

Typed or printed name of person signing certificate

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